

STAFF REPORT

MAPC March 18, 2010

DAB III March 3, 2010

CASE NUMBER: ZON2010-00005 and CON2010-00009

APPLICANT/OWNER: Biehler Properties, LLC c/o James Biehler (owner); Baughman Company, PA c/o Russ Ewy (agent)

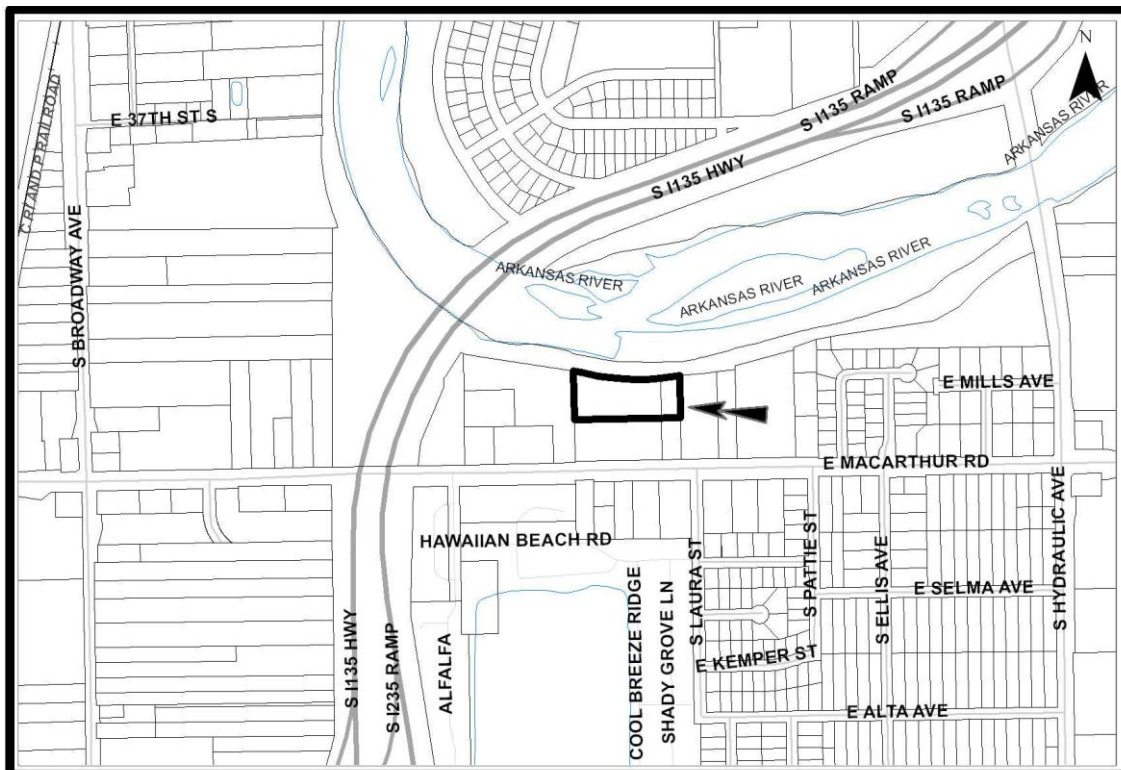
REQUEST: LI Limited Industrial (“LI”) Conditional Use for Wrecking/Salvage Yard

CURRENT ZONING: GC General Commercial (“GC”)

SITE SIZE: 3 acres

LOCATION: North of MacArthur Road, 3,000 feet east of Broadway Street (1100 East MacArthur Road).

PROPOSED USE: Wrecking/Salvage Yard



BACKGROUND: This is a request for a zone change from GC General Commercial (“GC”) to LI Limited Industrial (“LI”) and a Conditional Use for Wrecking/Salvage Yard. The three-acre site is located north of MacArthur Road about two-third mile east of Broadway and one-fifth mile east of the I-135 overpass. The property adjoins the Arkansas River to the north. Currently the application area is part of a larger site used as a contractors office and storage yard, which is a permitted use in the GC zoning district. The applicant would like to add Wrecking/Salvage on the north half of the site, which requires LI zoning and a Conditional Use.

Wrecking/Salvage Yard is a Conditional Use allowed in the LI subject to the Unified Zoning Code (“UZC”) supplementary use regulations of Article III, Section III-D.6.e., including: (1) it cannot be abutting an arterial street, expressway or freeway, (2) in the opinion of the Planning Commission, will not adversely affect the character of the neighborhood, and (3) is enclosed by a fence or wall not less than eight feet in height and having cracks and openings in excess of five percent of the area of such fence (or wall).

The site plan shows the Conditional Use as occupying the northern part of a tract currently owned and operated as a landscape contractor’s office and storage yard. The south 220 feet abutting MacArthur Road would remain zoned GC and continue in this use.

A nonconforming salvage yard located on property zoned GC abuts the east property line of the application area. This site is operated as Auto Recyclers of Kansas and it is staff understands if this request is approved, Auto Recyclers of Kansas will expand some of their operations to the subject site. Auto Recyclers of Kansas present nonconforming site was not included in the application for the zone change and conditional use, leaving part of the business nonconforming. Further to the east, there is a restaurant zoned GC and a manufactured home park zoned MH Manufactured Housing (“MH”). To the west is a self-service warehouse zoned GC, bordered by a vehicle storage yard, also zoned GC. Two single-family residences on property zoned SF-5 Single-Family Residential (“SF-5”) are located directly south of the site along MacArthur Road, and another residence is on property zoned GC. An open field zoned GC appears to be overflow storage for the contractor business. A new senior apartment project is under construction on property zoned LC Limited Commercial (“LC”) to the southeast of the intersection of MacArthur Road with Laura Street, and another manufactured home park on property zoned LC and MH is located south and southeast of MacArthur Road. The Arkansas River is located directly north of the site, including the Wichita-Valley Center Riverside Levee.

CASE HISTORY: The property is platted as Slaughter Addition, recorded April 21, 1969, and Wilson and Brown Second Addition, recorded September 16, 1966.

ADJACENT ZONING AND LAND USE:

NORTH:	Unzoned, SF-5	Arkansas River, I-135, single-family residential
SOUTH:	SF-5, LC, MH, GC-	Single-family residential, manufactured home park, apartments, open storage
EAST:	GC, MH	Salvage yard, restaurant, manufactured home park
WEST:	GC	Mini-storage warehouse, vehicle storage yard, I-135

PUBLIC SERVICES: The application area is part of a site that has access to MacArthur Road, a principal arterial street that is four lanes with a raised median and a center turn lane between Broadway and Hydraulic. I-135 crosses over MacArthur but has no access to it. Traffic volumes at MacArthur and Broadway were approximately 12,000 AADT (annual average daily traffic) in 2007.

CONFORMANCE TO PLANS/POLICIES: The *2030 Wichita Functional Land Use Guide* of the Comprehensive Plan classifies the general location as appropriate for “local commercial” development. Wrecking/salvage yards are an inappropriate use for this classification. However, there is an existing nonconforming salvage operation located to the east; in such circumstances the MAPC has often viewed similar requests as an expansion of an existing use, and allowed the request despite the map designation.

The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses should be located in close proximity to support services and provide good access to major arterials, truck routes, belt highways, utility trunk lines, along railroads, near airports and as extensions of existing industrial uses; the site has access to an arterial and the other uses north of MacArthur are more intensive than normally associated with local commercial designation. Industrial uses should be located away from existing or planned residential areas, and sited so as not to generate travel through less intensive land uses. The proposed site is located across from three isolated residences (one is on commercial zoning), and near some manufactured home parks. The application area is located near the new senior apartments under construction to the southeast but the apartments are being constructed on LC zoned land and they are located farther from this site than the existing nonconforming salvage operation.

RECOMMENDATION: Based upon this information available prior to the public hearings, planning staff recommends that the request be APPROVED subject to the following conditions:

1. The Conditional Use shall permit the torch cutting, crushing, shearing, baling, shredding, storage and shipping of motor vehicles, appliances and other industrial scrap materials.
2. The site shall be developed and operated in compliance with all of the conditions of UZC, Art III, Sec. III-D.6.e, including the use of approved fencing or wall materials, and the approved site plan. The site plan shall be revised to provide screening on all sides. The site plan shall be revised to include setbacks, utility easements and demonstrate how the site will be accessed.
3. Employee parking spaces shall be provided per the UZC on an area paved with asphalt or concrete.
4. Stored materials, containers or bales shall be stored on a surface approved by the Office of Central Inspection.
5. A revised site plan addressing the conditions of approval shall be approved by the Planning Director prior to the beginning of the operation.

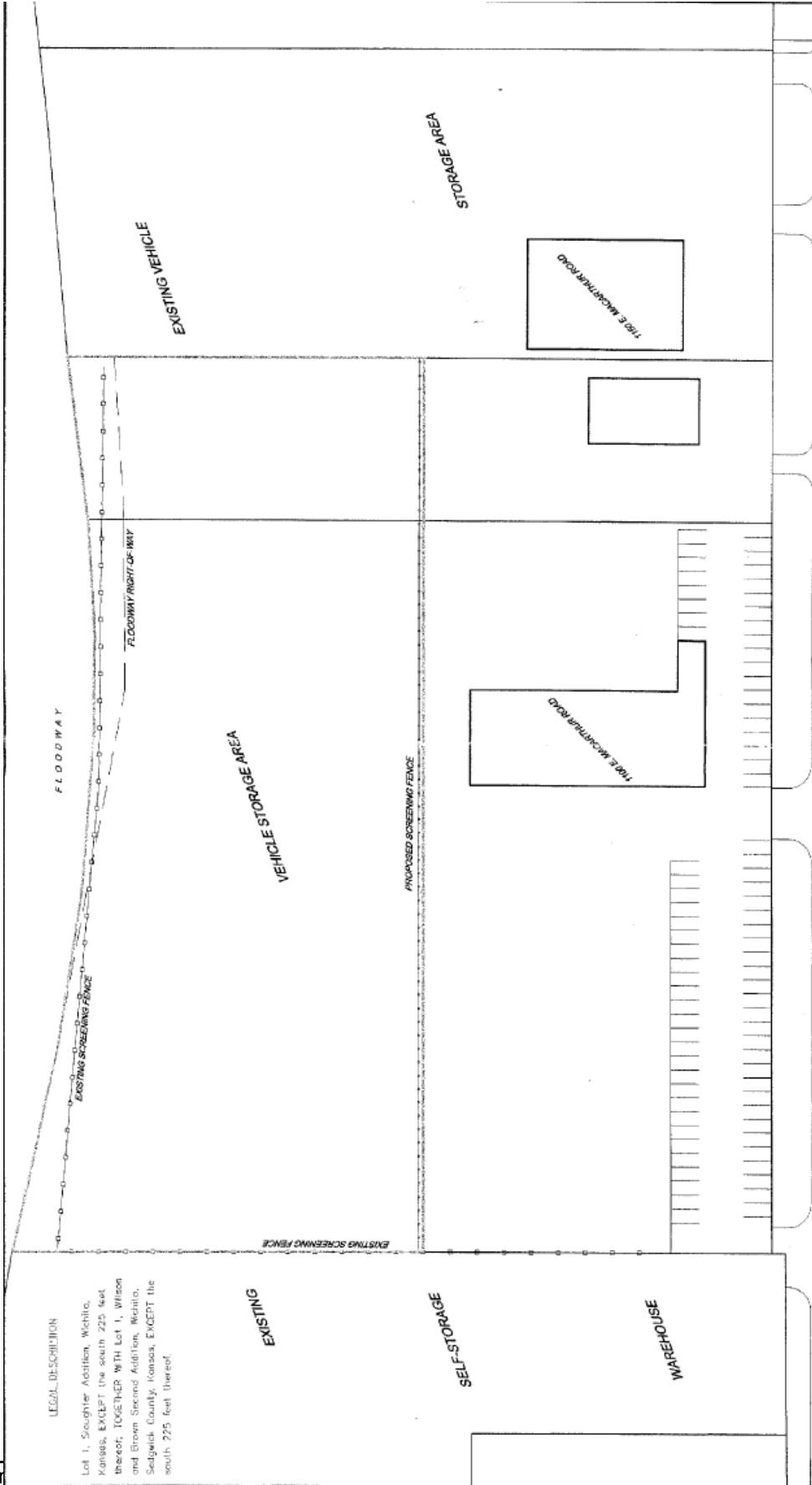
6. No scrap vehicles or scrap metal/appliances waiting to be processed shall be visible from ground-level view from any public right-of-way or abutting properties.
7. Storage of all of scrap materials (vehicles, metals, appliances, etc., including bales of the just mentioned) waiting to be processed and the containers they are stored in shall organized and be installed in an orderly manner, including an exposed perimeter, as specified by Environmental Services to prevent rodent harborage and breeding.
8. The applicant shall maintain at all times an active program for the eradication and control of rodents.
9. Weeds shall be controlled within the subject property and adjacent to and along the outside perimeter of the screening fence.
10. Any locking devices on entrance gates shall meet Fire Department requirements. Access to and within the site shall be provided by fire lanes per the direction and approval of the Fire Department.
11. Access to the subject property shall be provided for on-going inspections of the site for groundwater and soil contaminants by Environmental Services and other applicable governmental agencies. If the inspections determine it to be necessary, the applicant shall be required to install monitoring wells and/or perform soil testing on the property to monitor the quality of groundwater and/or soil, and shall pay the cost of an annual groundwater and/or soil test for contaminants as designated by the Environmental Services.
12. Notification shall be given to Environmental Services of any on-site storage of fuels, oils, chemicals, or hazardous wastes or materials. A disposal plan for fuels, oils, chemicals, or hazardous wastes or materials shall be placed on file with Environmental Services. All manifests for the disposal of fuels, oils, chemicals, or hazardous wastes or materials must be kept on file at the site and available for review by the Environmental Services.
13. The applicant shall implement a drainage plan approved the City Engineer prior to the commencement of operations that minimizes non-point source contamination of surface and ground water.
14. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of the storage of scrap metal waiting to be processed and storage of the scrap metal bales.
15. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The site plan shows the Conditional Use as occupying the northern part of a tract currently owned and operated as a landscape contractor's office and storage yard. The south 220 feet abutting MacArthur Road would remain zoned GC and continue in this use. A nonconforming salvage yard located on property zoned GC abuts the east property line of the application area. Further to the east, there is a restaurant zoned GC and a manufactured home park zoned MH Manufactured Housing ("MH"). To the west is a self-service warehouse zoned GC, bordered by vehicle storage yard, also zoned GC. Two single-family residences on property zoned SF-5 Single-Family Residential ("SF-5") are located directly south of the site along MacArthur Road, and another residence is on property zoned GC. An open field zoned GC appears to be overflow storage for the contractor business. A new senior apartment project is under construction on property zoned LC Limited Commercial ("LC") located to the southeast of the intersection of MacArthur Road with Laura Street, and another manufactured home park on property zoned LC and MH is located south and southeast of MacArthur Road. The Arkansas River is located directly north of the site, including the Wichita-Valley Center Riverside Levee.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned GC and could continue to be used with this zoning, similar to the other GC-type uses along MacArthur.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental effects on nearby property are lessened by the recommended conditions of approval, which include screening and monitoring of environmental impacts. These are particularly important due to the proximity of the site to the river. The presence of the existing nonconforming salvage operation on the east means that it is not introducing a new use to the area.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The 2030 *Wichita Functional Land Use Guide* of the Comprehensive Plan classifies the general location as appropriate for "local commercial" development. Wrecking/salvage yards are an inappropriate use for this classification. However, there is an existing nonconforming salvage operation to the east, which, has in the past been viewed as an expansion of an existing use, and allowed despite the map designation. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses should be located in close proximity to support services and provide good access to major arterials, truck routes, belt highways, utility trunk lines, along railroads, near airports and as extensions of existing industrial uses; the site has access to an arterial and the other uses north of MacArthur are more intensive than normally associated with local commercial designation. Industrial uses should be located away from existing or planned residential areas, and sited so as not to generate travel through less intensive land uses. The proposed site is located across from three isolated residences (one is on commercial zoning), and near some manufactured home parks. It is near the new senior apartments

under construction to the southeast but the apartments are being constructed on LC zoned land and they are located farther from this site than the existing nonconforming salvage operation.

5. Impact of the proposed development on community facilities: All utilities are available to the site. The use of this property should have limited impact on community facilities.



LEGAL DESCRIPTION

Lot 1, Slaughter Addition, Wichita, Kansas, EXCEPT the south 225 feet thereof, TOGETHER WITH Lot 1, Wilson and Brown Second Addition, Wichita, Sedgewick County, Kansas, EXCEPT the south 225 feet thereof.

EXISTING

SELF-STORAGE

WAREHOUSE

MACARTHUR ROAD



SCALE: 1" = 60'

SITE PLAN - CON2010-??
AUTO RECYCLERS OF KANSAS, INC.